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REMARKS

Claims 1-3 and 5-17 are pending in the application of which claims 1 and 15 are independent. Applicant has cancelled claims 4 and 18-21.

Rejections pursuant to 35 U.S.C. §112

Claims 1- 3 and 5-17 were rejected pursuant to 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. Applicants respectfully traverse the rejections.

The Examiner cited MPEP 2173.05(p) II (discussing product and process in the same claim) as support for his position that he was unable to determine in which statutory class the claims belonged. The Examiner suggested claims 1, 9. 13, and 15 each contained at least one apparatus and process. Applicant respectfully disagrees. The cited section of the MPEP states that "A single claim that contains both an apparatus and the method steps of using the apparatus is indefinite[emphasis added]". Regarding claim 1, the "software facility" in Applicant's claims is a piece of software (see the "storage allocator" in Figure 1), not a hardware apparatus, and the "storage policy" is not a product of the process as suggested by the Examiner but rather an element used in performing the method. The claims are directed to a method of network storage. Applicant has amended claims 1, 9. 13, and 15 to clarify the meaning of the claim elements.

Applicant has amended claims 3 and 13 to clarify that a new storage location is configured from at least two of the plurality of storage locations in order to provide the specified attributes. The rejected claim 6 has been amended to indicate that a new storage location is dynamically configured. Applicant also wishes to point out that claim 11 lacks the dynamic configuration claim element of claim 6 and is also a narrower claim. Applicant has amended claim 8 to clarify that the storage location is marked as being previously allocated.

Rejections pursuant to 35 U.S.C. §103(a)

Claims 1-3, 13 and 15-16 were rejected pursuant to 35 U.S.C. §103(a), as being unpatentable over Bakke et al. (United States Patent Number 6,330,621, hereafter "Bakke") in view of Microsoft 2000 as illustrated by Brown (Brown et al.,"Microsoft Windows 2000 Server

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Unleashed, ISBN: 0672317397, hereafter " Brown "), Microsoft ("Windows

2000Server:Microsoft Guide", Microsoft Corporation, ISBN: 15723218058, herafter

"Microsoft") and TechNet (Automating Administrative Tasks, Policies and Procedures,

http://www.microsoft.com/TechNet/prodtechnol/windows

2000serv/maintain/operate/04w2kada.mspx?pf=true, hereafter "TechNet"). Applicants

respectfully traverse the rejections.

Summary of Claimed Invention

The claimed invention discusses a method of automating network storage decisions. A
software facility on a network identifies and allocates to devices and processes available network
storage locations based on attributes possessed by the storage locations. The software facility
receives a network storage policy with attribute requirements for the devices and processes from
an authorized user such as a systems administrator. The software facility programmatically
applies the network storage policy in storage allocation decisions by matching the attribute
requirements of the storage policy with identified attributes of the storage locations.

Summary of Claim Amendments

Applicant has cancelled claim 4 and changed the dependencies of claims 5-14 which
were previously dependent upon claim 4 to claim 1 so as to include the storage policy element of
claim 1 in claims 5-14.

Summary of Bakke et al.

Bakke discusses a data store manager that combines dissimilar physical devices
contained in a storage subsystem to create a new logical device that satisfies service
characteristics specified in a policy for the data object. If there is not an existing logical device
that is appropriate for storing the data object based upon the criteria, the data store manager of
Bakke uses existing physical and logical device definitions as components in assembling a new
logical device that satisfies the policy requirements.

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Summary of Brown

Brown discusses managing corporate infrastructure in a WINDOWS 2000 environment. More specifically, Brown discusses the use of pre-defined default groups that are available when a workgroup or domain is created. The pre-defined default groups include account operators (domain only), administrators (domain and local), backup operators (domain and local) and creator owner (implicit group for OS use). Grouping of user accounts is performed to control more than one user at a time. Different groups are allowed to perform different functions. The groups have different scopes such as global and local.

Summary of Microsoft

Microsoft discusses generally the use of active directory services to centrally manage users, groups and security. The cited Administrative Templates allows an administrator to select attributes in a policy from a list.

Summary of TechNet

TechNet discusses the automation of administrative tasks, policies and procedures in a WINDOWS 2000 environment. More specifically, TechNet discusses the managing of site, domain and unit policies. TechNet discusses the use of a group policy list and the precedence of the policies in the list.

Argument

Claim 1 (and the corresponding medium claim 15) includes the claim element "receiving with the software facility a network storage policy from an authorized user, the authorized user having authority to make storage decisions on the network, the storage policy including attribute requirements for storage locations". The cited references fail to teach or suggest the limitation of a storage policy that includes attribute requirements for storage locations.

Applicants claimed invention dynamically identifies network storage locations by attribute and matches the identified storage locations with processes and devices that require network storage with certain attributes. An attribute is a characteristic that is used to distinguish one device from another such as the size of a storage medium or drive access time. The

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matching of the storage requirements with the identified storage locations is controlled by a
network storage policy received from an authorized user such as a system administrator. The
storage policy dictates how data is stored. The policy may be network-wide or process or device
specific. In the event the attribute is not available from a single identified storage location, the
present invention may determine whether the attribute may be dynamically configured from two
or more storage locations.

The Examiner suggested that Bakke did not teach that the policy is received from an
authorized user and that the user has authority to control access to the storage locations on the
network, but felt that the combination of the other three references with Bakke supplied the
missing limitations. Applicants respectfully disagree. None of the other three references cited
by the Examiner (i.e.: Microsoft, Brown and TechNet), discuss the use of a network storage
policy. The Administrative Templates section in Microsoft cited by the Examiner discusses
registry settings that may be modified through the Group Policy snap-in user interface Policy
Group Policy Object. For example, the settings discussed include settings that govern the
behavior and appearance of the desktop. Similarly, the exemplary group policy settings in
Figure 22.3 do not include a storage policy but rather allow the user to perform operations such
as removing folders from a start menu and disabling the logoff option on the start menu. In the
cited section of Brown, Brown is discussing different types of authorized users but does not
mention storage policies. For example, Brown mentions system, domain and schema
administrators. Similarly, the cited sections of TechNet include general discussions of selecting
policies in general but does not discuss the selection of a storage policy. For example, the cited
Group Policy Management section discusses the configuration of policies for account lockout
and passwords, auditing, user rights, assignment and security. As none of the cited references
discuss the creation of a network storage policy by an <u>authorized</u> user, it can not be obvious to
combine them with Bakke to show the receipt by the software facility of the network storage
policy from an authorized user and that the authorized user has authority to control access to the
storage locations on the network.

Accordingly, as the combination of references fail to include all of the elements of
independent claims 1 and 15, Applicants believe all of the remaining claims are now in
condition for allowance and requests the pending rejections be withdrawn.

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Rejections of Claims 4-9, 11-12 14 and 18-19

Claims 4, 18 and 19 were cancelled. Claims 5-9, 11-12 and 14 had their dependencies changed and are now dependent, directly or indirectly, on claim 1. Accordingly, Applicants respectfully suggest that claims 5-9, 11-12 and 14 are allowable for the same reasons (discussed above) that claim 1 is allowable.

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CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SMQ-076 from which the undersigned is authorized to draw.

Dated: September 8, 2005   Respectfully submitted,

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